

REMARKS

Claims 1-36 are pending, with claims 1, 22, and 30 being independent. Claim 37 was previously cancelled. No new matter has been introduced.

Interview Summary

Applicant thanks Examiner Nawaz for the courtesies extended to applicant's representative, Hussein Akhavannik, during the telephonic interview conducted on August 18, 2008. A summary of the interview is incorporated into the remarks below.

Claim Rejections—35 U.S.C. § 112

Claims 1-36 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action contends that because "there are multiple embodiments in which a different entity determines, looks up, etc. . . . claims 9-21 cannot coexist [sic] a disparate system is required." *See* Office Action mailed July 29, 2008 at page 2. The applicant respectfully disagrees. The primary purpose of the requirement of definiteness of claim language is to ensure that the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent. *See* MPEP § 2173.

Dependent claims directed towards different implementations described in this application are not dependent from one another and, therefore, claims 1-36 are definite. *See* MPEP § 2163.04 ("The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims."). Accordingly, applicant respectfully requests reconsideration and withdrawal of this rejection of claims 1-36.

Claim Rejections—35 U.S.C. § 103

Claims 1, 22, and 30

Claims 1, 22, and 30 have been rejected under 35 U.S.C. § 103 as being unpatentable over Steely (U.S. Patent No. 5,829,051) in view of Oguchi and Ono (*A Study of Information Distribution Mechanisms in Wide-Area Network Environments*, DOMESTIC TECHNOLOGY JOURNAL 2000-00589-027). Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 22, and 30 because neither Steely, Oguchi and Ono, nor any proper combination of the two describes or suggests determining a digital signature of a requested file stored by at least one provider node in the network system, looking up the digital signature in an index of signatures, or forwarding a previously compressed version of the requested file that has been stored at an intermediate node when the digital signature is found in the index of signatures, as recited in independent claim 1.

Steely discloses a cache coupled between a memory and a microprocessor. *See* Steely at Abstract. The cache (22) receives an address from the microprocessor (12) to access the memory (28). *See* Steely at col. 3, lines 52-56. The address includes an upper address portion and a lower address portion. *See* Steely at col. 3, lines 56-58. The lower address portion is used to provide a cache index for accessing a cache data store (34). *See* Steely at col. 3, lines 58-60. The cache data store (34) is used for temporary storage of memory data. *See* Steely at col. 4, lines 22-23.

However, as previously explained in the Remarks filed April 24, 2008, Steely does not describe or suggest compressing a file or storing a previously compressed file in an intermediate node. Therefore, Steely does not describe or suggest forwarding a previously compressed

version of the requested file that has been stored at an intermediate node when the digital signature is found in the index of signatures, as recited in independent claim 1.

In addition, Steely does not describe or suggest determining a digital signature. Rather, Steely describes a lower address portion of an address corresponding to a cache index for accessing a cache data store. The lower address portion is not a digital signature of a requested file, but rather it is an address of a location within a cache which may contain various digital content at different times. *See* Steely at col. 7, lines 46-55.

As such, the Office Action acknowledges that Steely does not "specifically indicate that the digital signature is of a stored file." *See* Office Action mailed July 29, 2008 at page 3 To address this deficiency of Steely, the Office Action relies on Oguchi and Ono as disclosing "a provider server that includes a record which is indexed by a hash value computed from a particular file." *See* Office Action mailed Jul 29, 2008 at page 3.

However, Oguchi and Ono, taken together or separately, do not disclose a hash value. Nor do Oguchi and Ono disclose any form of a digital signature. Because Oguchi and Ono do not disclose a digital signature, Oguchi and Ono do not cure the failure of Steely to describe or suggest determining a digital signature of a requested file stored by at least one provider node in the network system, looking up the digital signature in an index of signatures, or forwarding a previously compressed version of the requested file that has been stored at an intermediate node when the digital signature is found in the index of signatures, as recited in independent claim 1.

Finally, the Office Action conclusorily states that it would have been obvious to one of ordinary skill in the art to combine Steely and Oguchi and Ono "to increase system security." *See* Office Action mailed July 29, 2008 at page 3. "[R]ejections on obviousness cannot be

sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” See MPEP § 2143.01(IV) (citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)) (emphasis added). Therefore, the Office Action has not satisfied its burden of establishing a *prima facie* case of obviousness. See MPEP § 2142 (“The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.”).

Accordingly, for at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 1.

Independent claim 22 recites a system for improving performance of a network system corresponding to that of independent claim 1 and independent claim 30 recites a computer program on a tangible computer-readable medium having one or more code segments that, when executed, cause a computer to do the same. Accordingly, for at least the reasons noted above with respect to independent claim 1, applicant requests withdrawal of the rejection of independent claims 22 and 30.

Claim 2

The Office Action has not addressed claim 2 under 35 U.S.C. § 103. Claim 2 depends from independent claim 1 and recites compressing the requested file and storing the digital signature in the index of signatures when the digital signature is not found in the index of signatures. None of the cited references describes or suggests the features of claim 2. Accordingly, for at least this reason and the reason of its dependency, applicant respectfully submits that claim 2 is allowable.

Claim 8

Likewise, the Office Action has not addressed claim 8 under 35 U.S.C. § 103. Claim 8 depends from independent claim 1 and recites determining whether an estimated time required to directly provide the requested file to a requestor node is less than an estimated time to determine if a previously compressed version of the requested file is already stored at the intermediate node. None of the cited references describes or suggests the features of claim 8. Accordingly, for at least this reason and the reason of its dependency, applicant respectfully submits that claim 8 is allowable.

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Conclusion

Applicant respectfully submits that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed to be due in connection with the filing of this paper on the Electronic Filing System (EFS). In the event that any fees are due, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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